United States District Court

NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

and CLO HOLDCO, LTD.	§ §
v.	§ CIVIL ACTION NO. 3:21-CV-1585-S
HIGHLAND CAPITAL MANAGEMENT, L.P.	\$ \$ \$ &
Name of the second seco	§ BANKRUPTCY CASE
IN RE:	§ No. 19-34054-SGJ11
HIGHLAND CAPITAL MANAGEMENT, L.P.	§ Chapter No.: 11

<u>ORDER</u>

This Order addresses Appellants' Motion to Reopen Administratively Closed Appeal, Notice of Fifth Circuit Decision, and Request for Briefing Schedule ("Motion") [ECF No. 25]. This Court abated and administratively closed the above-styled appeal pending the resolution of NexPoint Advisors, L.P. et al. v. Highland Capital Management, L.P., No. 21-10449 (5th Cir. 2021). Although the aforementioned appeal resolved with the Fifth Circuit's opinion in Matter of Highland Capital Management, L.P., 48 F.4th 419, 424 (5th Cir. 2022), another related case is now pending before the Fifth Circuit. In light of the new related appeal, the Court **DENIES** the Motion.

It is therefore **ORDERED** that the above-styled appeal remain **ABATED** and **ADMINISTRATIVELY CLOSED** pending the resolution of *Charitable DAF Fund, L.P. v. Highland Capital Management, L.P.*, No. 22-11036 (5th Cir. 2022), without prejudice to it being reopened upon a motion by any party or to enter a judgment. Appellants shall file their opening brief on or before 14 days after a final mandate issues or the appeal is otherwise resolved.

It is further **ORDERED** that Appellee's Motion for Summary Affirmance [ECF No. 23] and Appellants' Motion for Extension of Time to File Opening Brief [ECF No. 29] are hereby **TERMINATED AS MOOT**.

SO ORDERED.

SIGNED November 9, 2022.

KAREN GREN SCHOLER

UNITED STATES DISTRICT JUDGE